



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**SA No. 801 of 2025
and
CMP.No.30343 of 2025**

Velmail

Appellant(s)

Vs

Suresh

Respondent(s)

For Appellant(s): M.Muruganantham

ORDER

Challenging the concurrent findings of the Courts below, the defendant has preferred this appeal on the following grounds:

a) That both the Courts below failed to note that the mother of the plaintiff Therasammal was not examined as a witness though it was admitted by the plaintiff and other witness to examine her on his side.

b) The Courts below failed to consider that the alleged settlee Therasammal had not assigned any reason for execution of



the settlement deed dated 18.10.2010 in favour of the plaintiff alone while there are other sons and daughters.

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c) The Courts below failed to consider that the plaintiff is residing at Chennai and the daughters viz., Ragina Mary and Arokkiya Mary were taking care of insane mother Therasammal and they sold their share of property in order to meet medical expenses.

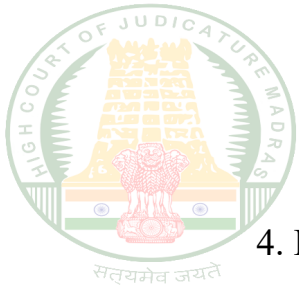
d) The Courts below failed to consider that possession follows title and this appellant is in possession and enjoyment of the suit property from the document Ex.B1.

2.This Court admits the Second Appeal on the following substantial questions of law:

i) Whether the Courts below right in not shifting the burden of proof on the plaintiff to prove the sanity of the Therassammal/Settlor, when Admin renders a report as she has been in a state of insanity for at least 10 years?

ii) Whether the Courts below right in disbelieving the report of the Amin, when it was given on the basis of the official statement of the Village Assistant of the particular Village?

3. Issue notice to the respondent, returnable by 21.01.2026.



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4. Post the appeal on 21.01.2026.

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5. Till then, the decree passed by Courts below, is ordered to be stayed.

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pvs

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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T.V.THAMILSELVI J.
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